

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIHAD HOSSEIN,

Plaintiff,

v.

CITY OF SOUTHFIELD, *et. al.*,

Defendants.

Case No. 11-12947

Honorable John Corbett O'Meara

**ORDER GRANTING
DEFENDANTS' SEPTEMBER 16, 2011 MOTION TO DISMISS**

This matter came before the court on Defendants' September 16, 2011 motion to dismiss. Plaintiff Jihad Hossein filed a response October 11, 2011. No reply was filed, and no oral argument was heard. LR 7.1(f)(2).

Plaintiff Hossein filed this action alleging violations of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Federal Privacy Act, 5 U.S.C. § 552a, against defendants City of Southfield, the 46th District Court and five state employees. Plaintiff alleges that the defendants failed to disclose information he requested under FOIA and the Privacy Act.

The FOIA provides for the disclosure of information held by federal agencies unless the requested material is exempt from disclosure by one of the nine exemption provisions. NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 220-21 (1978); 5 U.S.C. § 552. The Privacy Act prevents a federal agency's disclosure of information pertaining to an individual unless the individual has made a request or has given consent to the disclosure in writing or unless disclosure is provided for under the exceptions to the Privacy Act. 5 U.S.C. §§ 552a, 552a(b)(1)-(11).

Both statutes, however, apply only to “agencies” defined in §§ 551(1) and 552(f). Under the statutory definitions, “agency” does not encompass state agencies or courts. St. Michael’s Convalescent Hosp. v. California, 643 F.2d 1369, 1373 (9th Cir. 1981); Warth v. Department of Justice, 595 F.2d 521, 523 (9th Cir. 1979).

In this case Plaintiff has sought to use the FOIA and Privacy Act to obtain information from state agencies and courts, to which the statutes do not apply. Therefore, the court will grant Defendants’ motion to dismiss for failure to state a claim.

ORDER

It is hereby **ORDERED** that Defendants’ September 16, 2011 motion to dismiss is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: November 9, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 9, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager